

APPLYING FOR LICENSE EXCEPTION KMI

To receive approval from the Bureau of Export Administration (BXA) to export your encryption item under License Exception KMI, you must submit a **classification request**. Please follow the steps outlined below. This guidance is designed to help you in applying for eligibility to export under License Exception KMI, and should be used in conjunction with Section 740.8 and other relevant portions of the Export Administration Regulations (EAR).

Step 1: Read the relevant portions of the Export Administration Regulations (EAR).

You should first review and understand Section 740.8, Supplement No. 4 to Part 742, Section 748.3 and Supplement 1 to Part 748 of the Export Administration Regulations (EAR). Section 740.8 and Supplement No. 4 to Part 742 are the principal regulatory references for KMI, and failure to follow their review requirements may result in delays in the classification process. Section 748.3 and Supplement 1 to Part 748 provide general information on submitting classification requests.

Step 2: Obtain BXA Form 748P

This is the multipurpose application form you use to apply for License Exception KMI. Since it is a multipart form, it is not available for downloading from the Web. However, you can request the form from BXA's homepage or by calling the Exporter Counseling Division at (202) 482-4811. In addition, instead of submitting a paper application form, you can apply over the internet using BXA's Simplified Network Application Process (SNAP).

If you are submitting a request for more than one item, you must also obtain BXA Form 748P-A, which is an item appendix, and follow the instructions for Block 22 for each additional item. You may include up to six items. Follow the instructions on SNAP to add items electronically.

Step 3: Fill in the BXA-748P form.

The form must be typed. For each block of the form, follow the instructions in Supplement 1 to Part 748 for classification requests. When applying for License Exception KMI, follow the additional instructions below.

Block	Instruction
5	mark the "classification request" box. This is extremely important. DO NOT mark export or reexport. If you do, the application will be returned to you.
9	indicate "License Exception KMI" in this block. This is used to route the application to an appropriate licensing officer in BXA. If you fail to denote this phrase, the application will be delayed.

- 14-15 be sure the information in these blocks is complete and correct, because this is where the official classification document from BXA will be sent. If both blocks are filled in, the official classification will be sent to the individual or entity identified in Block 15.
- 22(a) For software, enter “5D002.” For hardware, enter “5A002.”
- 22(j) provide a brief technical description including the basic purpose of the encryption product and the type of encryption used in the software, and indicate how the product is key recovery. Please **DO NOT** type ‘see letter of explanation’ or ‘see brochure’. The information identified in this block is entered directly into the BXA computer system, and will be printed on the official classification document issued by BXA. A brief technical description is essential.

All other blocks or block portions appropriate for classification requests should be completed in accordance with Part 748 of the EAR.

Step 4: Include supporting documents

Supporting documents, such as technical specifications, should accompany the completed BXA 748P form. The supporting documents should specifically address how the product meets the criteria in Supplement 4 to Part 742, and should contain information about all encryption algorithms used and their key lengths.

Step 5: Submit the application to BXA

(a) Please submit the **original** BXA Form 748P, 748P-A (if applicable) and support documents, in accordance with Section 748.3(b) EAR, to the following address:

**Bureau of Export Administration
U.S. Department of Commerce
14th Street and Pennsylvania Avenue, N.W.
Room 2705,
Washington, D.C. 20444,
Attn: “Application Enclosed”**

BXA will not accept applications sent C.O.D. If you submit the forms electronically, either through SNAP or ELAIN, please fax the supporting documents to BXA (fax number: 202-501-0784) or send them to the U.S. Department of Commerce, Bureau of Export Administration, Information Technology Controls Division, Room 2625, 14th & Pennsylvania Ave., N.W., Washington, D.C. 20230.

(b) A **copy** of the entire application (forms and supporting documents) must also be **express mailed** to the following address (failure to comply will result in delays):

Attn: KMI Encryption Request Coordinator
9800 Savage Road, Suite 6131
Ft. Meade, MD 20755-6000